

Martin
Metcalf
Moffett
Nelson
Spears

Stone
of Galveston
Sulak
Winfield

Nays—12

Aikin
Beck
Burns
Collie
Moore
Pace
Roberts

Shivers
Small
Stone
of Washington
Van Zandt
Weinert

Absent

Redditt

Absent—Excused

Cotten

Hill

The Senate, accordingly, at 5:50 o'clock p. m., took recess until 10:00 o'clock a. m., tomorrow.

SIXTY-SECOND DAY

(Continued)

(Thursday, May 4, 1939)

The Senate met at 10:00 o'clock a. m., and was called to order by the President Pro Tempore.

Leave of Absence Granted

Senator Moffett was granted leave of absence for today on account of illness, on motion of Senator Lanning.

Committee Substitute for House Bill 933 on Passage to Third Reading

The Senate resumed consideration of the pending special order, same being C. S. H. B. No. 933, the School Aid Bill, on its passage to third reading; with the following amendment by Senator Nelson pending:

Amend H. B. No. 933, Section 10, page 4, lines 51 and 52, by striking out the following, after the words "high school":

"And not more than One Dollar (\$1.00) per month per pupil for those transported to elementary schools;"

And substituting therefor the following:

"And Two (\$2.00) Dollars per month per pupil for those transported to elementary schools."

Question—Shall the amendment be adopted?

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Free Conference Committee report on H. B. No. 166 by a vote of 149 ayes and 0 noes.

The House has concurred in Senate amendments to H. B. No. 161 by a vote of 127 ayes and 0 noes.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Senate Bill 33 with House Amendments

Senator Redditt called up S. B. No. 33 from the President's table, for consideration of the House amendments to the bill.

The President Pro Tempore laid the bill before the Senate, and the House amendments were read.

Question—Shall the Senate concur in the House amendments?

Senator Redditt moved that the Senate do not concur in the House amendments and that a conference committee be requested to adjust the differences between the two Houses on the bill.

The motion prevailed.

Accordingly, the President Pro Tempore appointed the following conferees on the bill on the part of the Senate: Senators Pace, Burns, Cotten, Shivers and Redditt.

Report of Conference Committee on House Bill 518

Senator Redditt submitted the following report of the Conference Committee on H. B. No. 518:

Austin, Texas,
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Hon. R. Emmett Morse, Speaker of the House.

Sirs: We, your Conference Com-

mittee, appointed to adjust the differences between the Senate and the House on House Bill Number 518, have met and beg leave to recommend that said House Bill Number 518 be passed in the form hereto attached.

Respectfully submitted,
WINFIELD,
PACE,
SMALL,
STONE of Galveston,
REDDITT,

On the part of the Senate.

CORRY,
HARDEMAN,
MONKHOUSE,
SHELL,

On the part of the House.

H. B. No. 518.

By Monkhouse.

**A BILL
TO BE ENTITLED**

An Act making it unlawful for any person to engage in fishing from, or to deposit or leave any dead fish, crabs, or bait upon the road surface or deck of any causeway or bridge, located on any highway being maintained by the State Highway Department, providing certain exceptions; instructing the Highway Department to post signs on all structures affected by the Act; making the violation of this Act a misdemeanor and providing a penalty for violation; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. From and after the effective date of this Act it shall be unlawful for any person to engage in fishing from, or to deposit or leave any dead fish, crabs, or bait upon, the road surface or deck of any causeway, or bridge located on any highway which is being maintained by the State Highway Department. Provided that it shall be legal to fish from any section of such structure other than the deck or road surface.

Sec. 2. Any person who shall violate the terms of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than One Dollar (\$1.00) nor more than Fifty Dollars (\$50.00).

Sec. 3. The State Highway Commission, through and by its authorized agents or representatives, is hereby instructed to post signs on every

causeway, bridge, or structure affected by this Act.

Sec. 4. The fact that the practice of fishing from causeways and bridges located on State maintained highways is a great hazard to the welfare of the traveling public and the persons who engage in such fishing creates an emergency and an imperative public necessity demanding that the Constitutional Rule requiring all bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall be in force and effect from and after its passage, and it is so enacted.

Question—Shall the report be adopted?

The report was adopted.

Record of Votes

Senators Graves, Kelley, Aikin, Metcalfe and Lemens asked to be recorded as voting "nay" on the adoption of the report.

House Concurrent Resolution 112

On motion of Senator Collie, and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

H. C. R. No. 112, Authorizing a loan of certain highway equipment.

The President Pro Tempore laid the resolution before the Senate.

The resolution was read and was adopted.

Senate Bill on First Reading

Senator Pace moved that the legislative rule relative to the introduction of bills after the first 60 days of the Regular Session of the Legislature be suspended to permit his introducing a bill at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Isbell
Beck	Kelley
Brownlee	Lanning
Burns	Lemens
Collie	Martin
Cotten	Metcalfe
Graves	Moore
Hardin	Nelson
Head	Pace

Redditt	Stone
Roberts	of Washington
Shivers	Sulak
Small	Van Zandt
Spears	Weinert
Stone	Winfield
of Galveston	

Absent—Excused

Hill Moffett

The following bill then was introduced, read first time, and referred to the committee indicated:

By Senator Pace:

S. B. No. 451, A bill to be entitled "An Act amending H. B. No. 72, Chapter 39, page 83, Section 4, of the General and Special Laws of the Forty-second Legislature, First Called Session, 1931; as amended by H. B. No. 607, of the Regular Session of the Forty-sixth Legislature; providing for assessment upon the scholastic apportionment allocated to Van Zandt County for the purpose of paying the salaries of rural school supervisors in Van Zandt County, and declaring an emergency."

Referred to Committee on Education.

Report of Committee on Education

Senator Pace, by unanimous consent, submitted at this time the following report of the Committee on Education:

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 451, being A bill to be entitled "An Act amending H. B. No. 72, Chapter 39, page 83, Section 4, of the General and Special Laws of the Forty-second Legislature, First Called Session, 1931; as amended by H. B. No. 607, Regular Session of the Forty-sixth Legislature, 1939, providing for the assessment upon the scholastic apportionment allocated to Van Zandt County for the purpose of paying the salaries of rural school supervisors in Van Zandt County, and declaring an emergency,"

Have had the same under consideration and desire to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Senate Bill 451 on Second Reading

Senator Pace moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 451 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moore	

Absent—Excused

Hill Moffett

The President Pro Tempore laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 451 on Third Reading

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Nelson
Beck	Pace
Brownlee	Redditt
Burns	Roberts
Collie	Shivers
Cotten	Small
Graves	Spears
Hardin	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lanning	Sulak
Lemens	Van Zandt
Martin	Weinert
Metcalf	Winfield
Moore	

Absent—Excused

Hill Moffett

House Concurrent Resolution 106

On motion of Senator Stone of Washington and by unanimous consent, the regular order of business was suspended, to permit consideration of the following resolution at this time:

H. C. R. No. 106, Memorializing the Congress of the United States to enact a certain law requiring that all American produced cotton be sold on the net weight basis.

The President Pro Tempore laid the resolution before the Senate and it was adopted.

Senate Bill on First Reading

By unanimous consent, the following bill was introduced, read first time, and referred to the committee indicated:

By Senator Stone of Galveston:

S. B. No. 452, A bill to be entitled "An Act providing for the payment of the salaries of County Superintendents in certain Counties; and providing for the payment of office expenses and traveling expenses of County Superintendents in certain Counties, and declaring an emergency."

Referred to Committee on Education.

Motion to Set Senate Bill 322
Special Order

Senator Small moved that S. B. No. 322 be set as a special order for May 8, 1939, immediately after the conclusion of the morning call on that day.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—17

Brownlee	Pace
Collie	Small
Cotten	Spears
Graves	Stone
Head	of Galveston
Isbell	Stone
Kelley	of Washington
Lemens	Sulak
Martin	Van Zandt
Nelson	

Nays—11

Aikin	Redditt
Beck	Roberts
Burns	Shivers
Lanning	Weinert
Metcalf	Winfield
Moore	

Absent

Hardin

Absent—Excused

Hill Moffett

Motion to Set Senate Bill 226 as a
Special Order

Senator Shivers moved that S. B. No. 226 be set as a special order for May 8, 1939, immediately after conclusion of the morning call on that day.

The motion was lost by the following vote:

Yeas—13

Beck	Redditt
Burns	Roberts
Hardin	Shivers
Head	Small
Lanning	Weinert
Lemens	Winfield
Moore	

Nays—15

Aikin	Nelson
Brownlee	Pace
Collie	Stone
Cotten	of Galveston
Graves	Stone
Isbell	of Washington
Kelley	Sulak
Martin	Van Zandt
Metcalf	

Present—Not Voting

Spears

Absent—Excused

Hill Moffett

Motion to Set Senate Bill 3 as a
Special Order

Senator Kelley moved that S. B. No. 3 be set as a special order for May 8, 1939, at 11:00 o'clock a. m.

Senator Spears raised a point of order against consideration of the motion at this time, on the ground that pending business is Committee Substitute H. B. 933 on its passage to third reading and that no motion is

in order at this time except those motions listed in Senate Rule 21.

The President Pro Tempore overruled the point of order.

Pending further consideration of the motion to set the bill as a special order, Senator Collie occupied the chair temporarily.

(President Pro Tempore in the Chair.)

Senator Kelley withdrew the motion to set the bill as a special order.

(Senator Small in the Chair.)

Senate Resolution 74

Senator Hardin, by unanimous consent, offered at this time the following resolution:

Whereas, Mrs. Emma Shirley, with her class of 30 students from Baylor University is now in the reception room of the Senate, therefore, be it

Resolved, that Mrs. Shirley and her class be allowed the privileges of the floor.

The resolution was read; and on motion of Senator Hardin and by unanimous consent, it was considered at this time and was adopted.

Accordingly, the Presiding Officer appointed Senators Hardin, Lanning and Roberts as a committee to escort Mrs. Shirley and her class to seats prepared for them in the Senate Chamber.

The committee performed the duty assigned it.

Senate Resolution 75

Senator Graves, by unanimous consent, offered at this time the following resolution:

Whereas, The Young Democratic Clubs of Texas are having their annual convention in the City of Dallas on May the 19th and 20th, and

Whereas, This organization feels that to reflect the proper honor and respect for the members of the Texas Senate and House of Representatives, and

Whereas, The Honorable Clara Driscoll, National Committee-woman from Texas, and other distinguished Democrats are to address the convention, and

Whereas, It is the desire of the officials of the Young Democratic

Clubs and its membership that the House of Representatives and the Senate be invited to attend said meeting, now, therefore, be it

Resolved, That the Honorable O. Howard Shields, President of the Young Democratic Clubs of Dallas County, be invited to appear on May 4 on the floor of the Senate to extend a personal invitation to the members of the Senate.

GRAVES,
HEAD.

The resolution was read; and on motion of Senator Graves and by unanimous consent, it was considered at this time and was adopted.

Accordingly, Senator Graves escorted Hon. O. Howard Shields, and his sister, Miss Shields, to the President's stand and presented them to the Senate.

Mr. Shields addressed the Senate and invited the members of the Senate to attend the convention of the Young Democratic Clubs of Texas, to be held in Dallas, May 19 and 20, 1939.

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to H. B. No. 132 and requests the Senate for the appointment of a Free Conference Committee to adjust the differences between the two Houses. The following are appointed as conferees on the part of the House: Alsup, Isaacks, Smith of Hopkins, Taylor, Wood.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Conference Committee on House Bill 132

Senator Van Zandt called from the President's table, for consideration at this time, the request of the House for a Conference Committee on H. B. No. 132.

Senator Van Zandt moved that the request of the House be granted.

The motion prevailed.

Accordingly, the Presiding officer appointed the following conferees on the bill on the part of the Senate: Senators Pace, Weinert, Martin, Moore and Van Zandt.

Senator Spears raised the point of order: That no permanent joint rules providing the manner of adjustment of differences between the two Houses have been adopted by the current session of the Legislature and that there are no legislative rules now in force to authorize the adjustment of differences between the House and Senate on a bill nor the appointment of a conference committee for that purpose.

The Presiding Officer stated the point of order would be taken under advisement.

(President Pro Tempore in the Chair.)

Bills Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 649, "An Act providing for the amount that may be allowed by County Boards of Trustees to the County Superintendents of Public Instruction for expenditures for office and traveling expenses in certain counties according to the last preceding Federal Census, repealing all laws and parts of laws, General or Special, in conflict herewith, and declaring an emergency."

H. B. No. 884, "An Act declaring the Collared Peccary or Javelina a game animal; providing an open season for taking same and the number that may be taken or possessed; prohibiting the sale of a Peccary or part of such animal; providing a suitable penalty, and declaring an emergency."

H. B. No. 879, "An Act authorizing and directing the Commissioner of the General Land Office of the State of Texas to deed, convey and transfer all right, title and interest of whatsoever class, kind or character directly or indirectly belonging to the State of Texas, in and to that tract of land known as the Blanco State Park, which said tract of land is

located in the City of Blanco, Blanco County, Texas, and declaring an emergency."

H. B. No. 903, "An Act to better safeguard the health of the people of the State of Texas by making it unlawful to serve food in improperly cleaned or unsterilized dishes or utensils; providing rules for cleaning and sterilizing dishes or utensils; prohibiting the use of cracked or broken dishes and utensils, and unlaundered napkins and unprotected napkins, straws, and other articles commonly used in eating and drinking; prohibiting the use of unsterilized or broken utensils in factories; providing penalties; repealing Article 700-a, Title 12, Chapter 1, Revised Criminal Statutes of Texas; making certain exemptions; saving to the State the right to prosecute for violation prior to the repeal of these Articles; providing that if any particular Section or part of this Act is held unconstitutional or inoperative, such defect shall not affect any other Section or part of this Act, and declaring an emergency."

H. B. No. 759, "An Act to amend the subject matter embraced in Chapter 482, Acts of the Forty-fourth Legislature, Third Called Session, as amended, by adding thereto three (3) new sections to be known as Section 19-C, Section 19-D, and Section 19-E, providing for the elimination of certain wages from determination of eligibility for benefits; providing for the transfer of a portion of the Unemployment Compensation Fund to the Railroad Unemployment Insurance Account; providing for the furnishing of certain records to the Railroad Retirement Board, and declaring an emergency."

H. B. No. 541, "An Act amending Article 6871, Title 120, Revised Civil Statutes, 1925, and declaring an emergency."

H. B. No. 742, "An Act changing the name of the State Juvenile Training School to be hereafter known as the Gatesville State School for Boys."

H. B. No. 829, "An Act extending the validating provisions of Articles 961 and 961a of the Revised Civil Statutes, 1925, by the addition of Article 961b; reenacting the provisions of Articles 961 and 961a, and giving said cities, towns or villages

all the powers heretofore granted to them under Title 28; validating all proceedings heretofore had by the governing bodies of all cities and towns in counties having a population of more than 46,100 and less than 46,200, according to the last preceding Federal Census, in the issuance and sale of obligations used in financing any project for which loan or grant has been made or applied for to the United States through the Federal Emergency Administrator of Public Works or any agency, department, or division of the government of the United States; validating all tax levies to be used in the refunding of said obligations; exempting all pending litigation, and declaring an emergency."

H. B. No. 359, "An Act to amend Article 5420 of the Revised Civil Statutes of Texas, 1925, by requiring that all suits under said Article and under Article 5419 of the Revised Civil Statutes of Texas, 1925, hereafter filed, be brought in the county in which the land involved or any part thereof may lie, and providing for the transfer from the District Court of Travis County, Texas, to the court having jurisdiction in the county in which the land or any part thereof may lie of cases heretofore filed by the State in the District Court of Travis County, Texas, under said Articles and not yet tried in the trial court on motion of any party to any such cause, and providing for the hearing and disposition of such motion, repealing all laws or parts of laws in conflict therewith, and declaring an emergency."

H. B. No. 941, "An Act to amend House Bill No. 832, Chapter 426, of the General and Special Laws of the Forty-fifth Legislature, Regular Session, 1937, by adding six (6) new Sections to be known as Sections 10A, 10B, 10C, 10D, 10E, and 10F, to authorize the San Jacinto River Conservation and Reclamation District, a State Agency, to negotiate and deal with the United States of America or any of its agencies and/or others, to aid in securing funds to make investigations and in acquiring the necessary lands, leases, easements and/or acquitances, public structures and reservoirs suitable for the control of flood waters for the San Jacinto Watersheds declared to be a public calamity; authorizing the District to issue negotiable revenue bonds; provide that the District shall not mort-

gage or otherwise encumber any of its properties, other than its revenues; providing how the District may acquire lands, leases, easements, properties and power and right of eminent domain; granting additional powers under said Act; and declaring an emergency."

H. B. No. 533, "An Act providing for the creation of the office of Criminal District Attorney in counties having a population of not less than thirty-two thousand (32,000) and not more than seventy-five thousand (75,000) inhabitants, according to the last preceding Federal Census, and declaring an emergency."

H. B. No. 987, "An Act to create and establish a perpetual, public charitable, non-profit Body Corporate, to be denominated 'Navarro Community Foundation,' domicile at Corsicana, Navarro County, Texas, of which Frank Neal Drane, now deceased, was the initial patron-donor; naming the trustees of said Foundation; empowering said Foundation to extend its aid to any one or more or all of the following public charitable purposes: (1) Religion, (2) education, (3) relief of human suffering, (4) public civic betterment, (5) relief of the worthy poor through organized agencies, (6) the aid of scientific endeavor for the betterment of mankind; empowering said Navarro Community Foundation to own, acquire and dispose of property in furtherance of its purposes, and authorizing it to sue and be sued in its corporate capacity; extending its facilities to and inviting the aid of other patron-donors inclined to support its charitable purposes; providing that its Board of Managing Trustees shall be self-perpetuating and shall never be less than five (5) nor more than thirteen (13) in number; defining the powers and duties of members of the Board of Managing Trustees; providing for the absorption, merger, consolidation, dissolution and/or liquidation of Navarro Community Foundation; declaring this Act to be a public one, judicial notice of which shall be taken in all courts; exempting from taxation the properties and assets, income and corpus, of Navarro Community Foundation, and declaring an emergency."

H. B. No. 1001, "An Act conveying to the United States of America the free and uninterrupted use, liberty, and easement of, in, and to that certain area of three (3) miles square or

larger in Nueces County Navigation District, in Nueces Bay, in Nueces County, Texas, for the erection and establishment of forts, military stations or camps, magazines, arsenals, dock yards, barracks, light houses, navy yards, naval bases, naval air bases or stations, channels, approaches for battleships, or for other needful military purposes; providing for failure or refusal for the erection of such forts, stations, arsenals, naval bases, naval air bases, or stations, and other needful military structures; providing for the conveyance by the Governor of Texas of such area; providing for the retention of all oil, gas and minerals; making such conveyance subject to the limitation of certain statutes of the State; providing approval by the Legislature of such conveyance; providing for the reversion of said area to the State of Texas under certain contingencies, and declaring an emergency."

H. B. No. 877, "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than ten thousand, three hundred and fifty (10,350), and not more than ten thousand, three hundred and eighty (10,380), according to the last preceding Federal Census; providing for the payment of such salary from the Available School Fund of such county; providing for office and traveling expenses to be paid out of the Available School Fund; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 960, "An Act to create a police pension system for all cities in this State having a population in excess of 290,000, according to the preceding or any future Federal Census; providing for the creation of a policemen's relief and retirement fund for such cities; providing that said fund shall be administered by a pension board; providing who shall participate in said pension fund; providing how said pension board shall be constituted, etc., and declaring an emergency."

H. B. No. 888, "An Act defining coloring matter and its composition, manufacture, sale and use in composition, manufacture, sale and use in connection with citrus fruit; providing for the analysis of such coloring matter by the Commissioner of Agriculture and for the licensing of the manufacture thereof; pre-

scribing the form and amount of bond to be given by such manufacturers; prohibiting the use of harmful coloring matter on citrus fruit; prescribing the maturity of fruit to which such coloring matter is applied; authorizing the Commissioner of Agriculture to issue rules and regulations pursuant to such Act; providing for the enforcement thereof by the Chief of Maturity Division and other agents of the Commissioner of Agriculture and fixing compensation of such Chief for so doing; providing for the inspection of citrus treated with coloring matter and assessing the cost of enforcing the Act against such fruit so treated; providing for the branding of fruit treated with coloring matter and containers in which it is shipped and prohibiting the application of unauthorized coloring matter to citrus fruit; declaring citrus which does not comply with the Act to be dangerous to public health and a public nuisance; providing penalties for violation of the Act, and declaring an emergency."

H. B. No. 955, "An Act establishing, authorizing and providing for Junior Colleges in connection with the Independent School Districts now established, or hereafter to be established and located in all counties in this State having a population of not less than thirty-four thousand, one hundred and fifty (34,150) and not more than thirty-four thousand, two hundred (34,200), according to the last Federal Census, or any subsequent Federal Census, and where the school buildings and grounds of such Independent School Districts are located, in whole or in part in a town or city having a population of not less than six thousand and forty (6,040), and not more than six thousand and seventy (6,070), according to the last Federal Census or any subsequent Federal Census; authorizing the creation and establishing of the Board of Trustees of such Independent School Districts; etc., and declaring an emergency."

H. B. No. 872, "An Act to enlarge the jurisdiction of the County Court of Marion County, Texas, in criminal cases to enable the County Judge of Marion County, Texas, to accept pleas of guilty in all cases of misdemeanor; etc., and declaring an emergency."

H. B. No. 799, "An Act making appropriation of certain sums of

money, or so much thereof as may be necessary, out of the General Revenue Fund to pay taxes due by the State to certain independent school district, and declaring an emergency."

H. B. No. 862, "An Act authorizing Precinct No. 4 in Lipscomb County, Texas, by vote of the people to determine whether or not they will authorize in said Precinct the issuance of bonds and levying and collection of the tax not to exceed ten (10c) cents on the One Hundred (\$100.00) Dollar valuation on all property in said Precinct; providing interest on said bonds; providing tax to apply on real and personal property; providing for purchase of site within said Precinct; providing election authorizing construction of lake and recreational park, and declaring an emergency."

Recess

On motion of Senator Weinert, the Senate, at 11:55 o'clock a. m., took recess to 2:00 o'clock p. m., today.

Afternoon Session

The Senate met at 2:00 o'clock p. m., and was called to order by the President.

Committee Substitute for House Bill 933 on Passage to Third Reading

The Senate resumed consideration of the pending special order, same being Committee Substitute H. B. No. 933 on its passage to third reading, with amendment by Senator Nelson pending.

Senator Van Zandt offered the following substitute for the amendment:

Amend Section 10 by striking out the words and figures "One Dollar (\$1.00)" and substitute in lieu thereof the words and figures "Two Dollars (\$2.00)".

The substitute was adopted.

Question—Shall the amendment as substituted be adopted?

Senator Pace moved that the Senate adjourn until 10:00 o'clock a. m., tomorrow.

Yeas and nays were demanded, and the motion was lost by the following vote:

Yeas—13

Brownlee	Roberts
Burns	Shivers
Cotten	Small
Isbell	Stone
Moore	of Washington
Pace	Weinert
Redditt	Winfield

Nays—16

Aikin	Martin
Beck	Metcalf
Collie	Nelson
Graves	Spears
Hardin	Stone
Head	of Galveston
Kelley	Sulak
Lanning	Van Zandt
Lemens	

Absent—Excused

Hill	Moffett
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Question recurred — Shall the amendment as substituted be adopted?

Senator Aikin moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—13

Aikin	Roberts
Beck	Shivers
Brownlee	Stone
Isbell	of Galveston
Martin	Stone
Moore	of Washington
Pace	Weinert
Redditt	

Nays—16

Burns	Lemens
Collie	Metcalf
Cotten	Nelson
Graves	Small
Hardin	Spears
Head	Sulak
Kelley	Van Zandt
Lanning	Winfield

Absent—Excused

Hill	Moffett
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The amendment as substituted then was adopted.

Senator Nelson offered the following amendment to the bill:

Amend H. B. No. 933, Section 3, on page 2, by striking out the words

and figures in lines 57 and 58 on said page 2 as follows: "two and one-half (2½) miles" and substituting therefor the following: "three (3) miles".

Senator Aikin moved to table the amendment.

Question—Shall the motion to table prevail?

Message from the House

A Clerk from the House was recognized to present the following message:

Hall of the House of Representatives,
Austin, Texas, May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a Conference Committee to consider the differences between the two Houses on S. B. No. 33. The following are conferees on the part of the House: Davis of Jasper, Bond, Ferguson, Alsup, Lock.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

Reports of Standing Committees

By unanimous consent, the following reports were submitted by the committee chairmen whose names are signed thereto:

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 452, A bill to be entitled "An Act providing for the payment of the salaries of County Superintendents in certain counties; and providing for the payment of office expenses and traveling expenses of County Superintendents in certain counties, and declaring an emergency,"

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

AIKIN, Chairman.

Austin, Texas,
April 27, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 794, A bill to be entitled "An Act amending Article 6686, Title 116, of the Revised Civil Statutes of the State of Texas, 1925, as amended, by adding a new paragraph providing for the issuance of in-transit permits by the State Highway Commission to any person, firm or corporation engaged in and using the drive-a-way system of transporting motor vehicles under their own power; providing the funds collected under the Act shall be placed in the General Revenue Fund subject only to legislative appropriation; and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BROWNLEE, Chairman.

Adjournment

Senator Redditt moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—15

Brownlee	Roberts
Burns	Shivers
Cotten	Small
Isbell	Stone
Lemens	of Washington
Moore	Van Zandt
Pace	Weinert
Redditt	Winfield

Nays—13

Aikin	Lanning
Beck	Metcalfe
Collie	Nelson
Graves	Spears
Hardin	Stone
Head	of Galveston
Kelley	Sulak

Absent

Martin

Absent—Excused

Hill

Moffett

The Senate, accordingly, at 3:40 o'clock p. m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

Reports of Committee on Engrossed Bills

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 451 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 449 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

Austin, Texas,
May 2, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 32 carefully examined, compared and read, and find same correctly engrossed.

LANNING, Chairman.

SIXTY-THIRD DAY

(Friday, May 5, 1939)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Head
Beck	Isbell
Brownlee	Kelley
Burns	Lanning
Collie	Lemens
Cotten	Martin
Graves	Metcalfe
Hardin	Moore

Nelson	Stone
Pace	of Washington
Roberts	Sulak
Shivers	Van Zandt
Small	Weinert
Spears	Winfield
Stone	
of Galveston	

Absent—Excused

Hill	Redditt
Moffett	

A quorum was announced present.

The invocation was offered by the Chaplain.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hill was granted leave of absence for today, on account of illness, on motion of Senator Aikin.

Senator Redditt was granted leave of absence for today, on account of important business, on motion of Senator Beck.

Report of Standing Committee

Senator Weinert, by unanimous consent, submitted at this time the following report of the Committee on State Affairs:

Austin, Texas,
May 4, 1939.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 410 by Harris, A bill to be entitled "An Act to amend Article 4553, Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, as amended by Section 1 of Chapter 7, Acts of First Called Session, Forty-second Legislature, and Articles 4555, 4556, 4557, 4558, 4559, 4563, 4565, 4565a, 4565b, of Chapter 10, Title 71, of the Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 12, of the Penal Code of Texas, 1925, by adding thereto Article 738a, and Article 737, Chapter 5, Title 12, of the Penal Code of Texas, 1925; so as to provide for a State Board of Examiners in Optometry, qualifications for and method of filling vacancies on said Board; etc.,"